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| APPLICATION NO.                 | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---------------------------------|-------------|----------------------|---------------------|------------------|
| 10/800,814                      | 03/15/2004  | Robert T. Pearson    | DAREDEV.125A        | 1615             |
| 20995                           | 7590        | 06/13/2005           | EXAMINER            |                  |
| KNOBBE MARTENS OLSON & BEAR LLP |             |                      | GRAHAM, MARK S      |                  |
| 2040 MAIN STREET                |             |                      | ART UNIT            |                  |
| FOURTEENTH FLOOR                |             |                      | PAPER NUMBER        |                  |
| IRVINE, CA 92614                |             |                      | 3711                |                  |

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

①

|                              |                                      |                                           |  |
|------------------------------|--------------------------------------|-------------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/800,814 | <b>Applicant(s)</b><br>PEARSON, ROBERT T. |  |
|                              | <b>Examiner</b><br>Mark S. Graham    | <b>Art Unit</b><br>3711                   |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 May 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 20-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 27-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                                              |                                                                                         |
|----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/24/04</u> . | 6) <input type="checkbox"/> Other: _____                                                |

Applicant's election without traverse of the article claims in the 5/23/05 paper is acknowledged.

Claims 20-26 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected method, there being no allowable generic or linking claim. Election was made **without** traverse in the 5/23/05 paper.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9, 12-14, 17, 18, and 27-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Burns. With the exception of the claims specifically addressed below the claims are clearly anticipated.

Regarding claims 3-6 Burns' layers 12/17 and 13/17 comprise laminate structures.

Concerning claim 7, because the cell walls comprise only aluminum and the outer layer's comprise an aluminum/epoxy laminate the cell walls are constructed of a different material.

With regard to claims 9 and 28, the expandable foam would inherently be more pliable/compliant than the outer layers.

Regarding claim 17, the foam and aluminum in the core have different structural properties.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burns in view of Howat. Burns discloses the claimed device with the exception of the details of the cell structure.

With regard to claim 10 however, Howat teaches that the cell structure of such cellular materials may be made of polystyrene foam which is considered semi-rigid. It would have been obvious to one of ordinary skill in the art to have used such a foam as Burns' foam to obtain a particularly desired rigidity characteristic.

Concerning claim 11, Howat teaches that the cell structure of such cellular materials may be open celled, (Note Figs. 5 and 7). It would have been obvious to one of ordinary skill in the art to have fashioned Burns cell structure in the same manner to obtain a particularly desired flexibility characteristic.

Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burns. Burns does not disclose the exact diameter of his cells. However, they appear to be within the range claimed by applicant and absent a showing of unexpected results the exact diameter of the cells would obviously have been up to the ordinarily skilled artisan depending on the weight/flexibility characteristics desired in the blade.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burns in view of Helle. Burns discloses the claimed device with the exception of the second portion weaker than the first portion. However, as disclosed by Helle it is known in the art to use holes in the foam core portion of such blades. Such holes would inherently have air in them which is a material

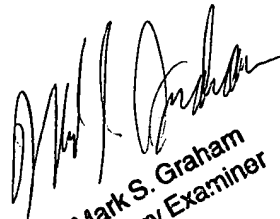
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having less structural strength than foam. It would have been obvious to one of ordinary skill in the art to have included holes in Burns' foam as well to lighten the blade.

Quigley et al., Lussier et al., Danchulis et al., Landi, Franck et al., Tiitola et al., and Haddad have been cited for interest because they disclose similar devices.

Any inquiry concerning this communication should be directed to Mark S. Graham at telephone number 571-272-4410.

MSG  
6/8/05



Mark S. Graham  
Primary Examiner